



May 15, 2007 CPC
June 27, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0295

Edwin L. Thompson

Clover Hill Magisterial District
2501 Courthouse Road

REQUEST: Renewal of Conditional Use (Case 03AR0227) to permit a business (tree service) incidental to a dwelling unit in an Agricultural (A) District.

PROPOSED LAND USE:

Commercial use (a tree service business) are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGE 2.

STAFF RECOMMENDATION

Following public input, if there is no opposition, approval would be appropriate. This recommendation is made for the following reason:

The use was approved by the Board of Zoning Appeals thorough a previously granted Special Exception.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITIONS

- | | | |
|-------------|----|---|
| (STAFF/CPC) | 1. | This Conditional Use shall be granted to and for Edwin Thompson exclusively, and shall not be transferable or run with the land. (P) |
| (STAFF/CPC) | 2. | In addition to the applicant, a maximum of four (4) employees shall be engaged in this operation. Equipment storage shall be limited to the parking of one (1) service truck, one (1) chipper truck, one (1) chipper, two (2) trailers, two (2) stump grinders, one (1) log splitter and one (1) small tractor on a trailer. All outside storage shall be located a minimum of ninety (90) feet from the ultimate right of way of Courthouse Road. There shall be no storage of wood debris or material on the property other than that located on the equipment. (P) |
| (STAFF/CPC) | 3. | Other than parking of the equipment and a home business office, there shall be no other business activity conducted on the property, to include any log splitting. (P) |
| (STAFF/CPC) | 4. | Other than normal maintenance, there shall be no additions or alterations to the existing structures to accommodate this use. There shall be no additional buildings constructed to accommodate this use. Further, the area used for the storage of equipment shall not be expanded. (See sketch attached to Request Analysis) (P) |
| (STAFF/CPC) | 5. | There shall be no signs permitted to identify this use. (P) |

GENERAL INFORMATION

Location:

East line of Courthouse Road, south of Seacliff Lane and better known as 2501 Courthouse Road. Tax ID 747-691-4208.

Existing Zoning:

A with Special Exception

Size:

1.4 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North, South and West – A; Residential
East - R-9; Residential

UTILITIES

Public Water System:

There is an eight (8) inch water line extending along the eastern side of Courthouse Road, adjacent to this site. The existing structure is connected to the public water system. Use of public water is required by County Code for any future structure built on-site.

Public Wastewater System:

There is an eight (8) inch wastewater collector line serving the Falling Creek section of Chestnut Hills Subdivision that terminates approximately 209 feet southeast of this site. The existing structure is served by a private septic system. County Code requires use of the public wastewater system when a public wastewater line is less than 200 feet away from a property line and a building permit application has been made for a new structure. Use of the public wastewater system will not be required by County Code.

Health Department:

Continued use of a private septic system must be approved by the Health Department.

ENVIRONMENTAL; FIRE & TRANSPORTATION

This request will have minimal impact on these facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.

The area encompassing the request property is currently under review for amendment. The amendment, the Northern Courthouse Road Plan, as recommended by Staff, suggests that the area is appropriate for office/residential mixed use.

Area Development Trends:

The area is currently characterized by single-family residential use. The proposed Plan amendment anticipates that those properties fronting Courthouse Road will be used for a mix of office and residential land uses.

Zoning History:

In April 1999, the Board of Zoning Appeals approved a Special Exception (Case 99SN0242) to allow the operation of a tree service business from the applicant's home. Subsequently, in 2003, the Board of Zoning Appeals renewed the Special Exception (Case 03SN0227) for an additional four (4) years subject to the attached conditions.

Current Proposal:

Since the approval of the Special Exception, the Ordinance has been amended to require a Conditional Use to operate a business from the home. The applicant wishes to continue the operation of the business that was approved by the prior Special Exception. The recommended conditions are similar to those imposed previously with the exception that the prior approval allows log splitting on the property. Staff is recommending that this portion of the business activity not be permitted due to noise and the resulting stockpiling of wood on the property.

CONCLUSION

If this were a new request, staff would not support a use of this intensity in an area characterized by residential development. Further, the Comprehensive Plan, both existing and proposed, does not suggest that this use is appropriate. However, given that the use has been allowed previously by Special Exception, if after consideration of public input indicating that the use has not infringed upon the property rights of the surrounding owners, approval would be appropriate with the imposition of the stated conditions.

CASE HISTORY

Planning Commission Meeting (5/15/07):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Gulley, seconded by Mr. Bass, the commission recommended approval subject to the conditions on page 2.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, June 27, 2007, beginning at 6:30 p.m., will take under consideration this request.

CONDITIONS – Case 03AR0227

1. Special Exception shall be granted to and for Edwin Thompson, exclusively. Upon transfer of the land, this Special Exception shall expire.
2. Special Exception shall be granted for a period not to exceed four (4) years from date of approval.
3. Special Exception shall be limited to the tree service business, exclusively, and four (4) employees, other than the applicant, shall be engaged in this operation. Equipment storage shall be limited to parking one (1) service truck, one (1) chipper truck, one (1) chipper, two (2) trailers, two (2) stump grinders, one (1) log splitter, and one (1) small tractor on a trailer.
4. No equipment associated with this business shall be permitted within ninety (90) feet of the ultimate right of way of Courthouse Road.
5. Hours of operation shall be restricted to between 6:00 a. m. and 8:30 p. m. with no outside activity (log splitting) after 6:00 p. m., Monday through Saturday. No after hours or Sunday operation shall be permitted, except for emergency situations relative to storms or other acts of God. (BZA)
6. No deliveries shall be permitted before 8:00 a. m. and after 6:00 p. m.
7. No new buildings shall be constructed related to this business. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling or accessory buildings. This does not preclude any routine maintenance or cosmetic alteration.
8. No group assembly connected with this operation shall be permitted except for the four (4) employees picking up and returning equipment.
9. All work and operations associated with this business, including storage of materials and equipment, shall be accomplished in the existing dwelling and out buildings.
10. Not more than 1/4 of one (1) floor of the dwelling shall be used for administration.
11. No sign relative to this use shall be permitted.
12. The existing mature vegetation shall be preserved and maintained in the rear yard between the fence and property line, unless removal is approved by the Planning Department. This condition shall not be applicable to the removal of dead or diseased trees. (BZA)

13. The gravel parking area shall be pulled back so as not to be located any closer to the front property line than the dwelling. The landscape plan that has been submitted and approved by the Planning Department shall be implemented by July 3, 2003, and also subject to the landscape plan that has been approved by the County modified to require the Leyland Cypress to be a minimum of three (3) feet tall. (BZA)

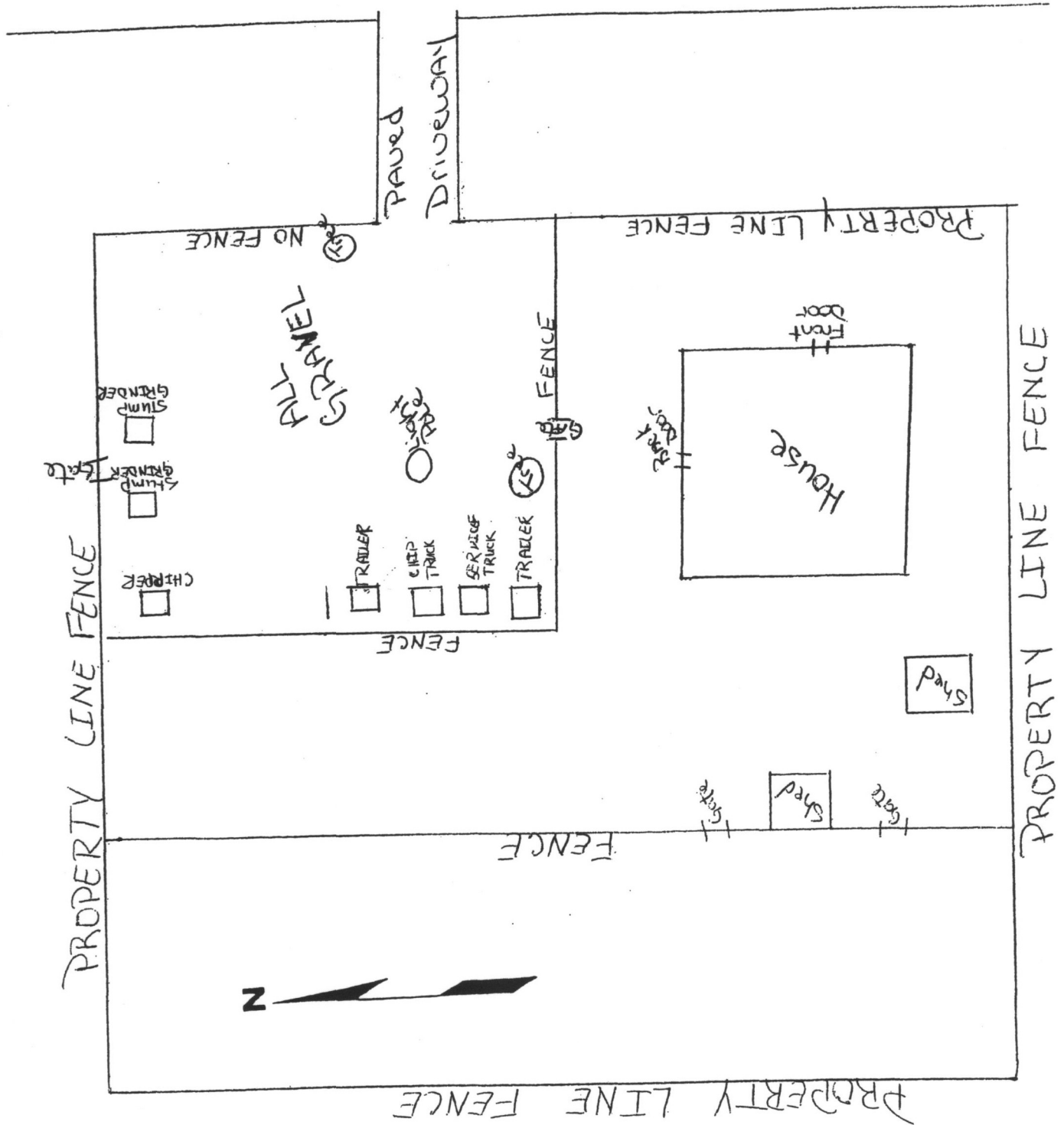


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